

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR., : Civil Action No. 05-125E
Plaintiff, : Judge Sean J. McLaughlin
V. : Mag. Judge Susan P. Baxter
: **FILED**
TRACY REEVES, et al., : **SEP 17 2007**
Defendants, : **CLERK U.S. DISTRICT COURT**
WESTERN DISTRICT OF PENNSYLVANIA

MOTION TO EXTEND TIME FOR DISCOVERY

Plaintiff, CASSIUS M. CLAY SR., Pro se, moves this Honorable Court for a Sixty (60) day extension to complete discovery. In support thereof, Plaintiff Respectfully states the following:

1. The cut-off date for discovery is September 28, 2007.
2. On August 2, 2007, the Plaintiff was Transferred from S.C.I. Forest, to S.C.I. Pittsburgh.
3. On August 5, 2007, the Plaintiff wrote the court and informed them, and the Defendants of this Transfer.
4. Many of the various other court(s) were also notified, and despite the other Three Proceedings being notified, this Court's Mail has come a week or so later, and most of the time beyond the deadline for a timely response.
5. The Plaintiff states that with the Transfer, he had to Mail Three Boxes of Legal Material, which contain the majority of the Brief's, Answers, Interrogatories, and Exhibits (core Legal Material) needed to respond to the various, Summary Judgment(s) and amendments, Supplemental Summary Judgment, and the Report and Recommendation,

and now this Discovery period.

6. The Three Boxes of Legal Material(s) have been held by the staff here, despite the boxes being here since August 10, 2007, and despite this Plaintiff submitting proof of the Open Court cases. (see Exhibit "A")

7. There is also NO Copy machine immediately available to the inmates, and it may take up to a week to obtain Copies, which would suffice for Service, in accordance with the FRAP.

8. The Plaintiff states, that there is also insufficient time to do Research into the many issues and claims the defendants bring up, as the Law-library is not up and running, and there is only one (1) Computer for Legal use, where All the Federal Volumes are not included on the Disks, there are No Federal Forms Books, and there are no federal Books at all to do research, where we only get One(1) hour per night for the usage of the regular library, where the one computer is, and you may not get to use it, as there are over 600 inmates here, and 30 may be in the library, and up to Five(5) maybe waiting to use the Computer. Therefore inadequate!

9. Plaintiff submits that the failure to complete discovery is the result of excusable neglect, and cannot be attributed to any dilatory or improvident actions on his part.

10. It is Plaintiff's position that under the circumstances of this case, and taking into account the court's wide discretion, it would be appropriate to extend the standing discovery deadline date.

11. The Plaintiff therefore requests an additional Sixty(60) days, that is until November 26, 2007, in order to complete the discovery and research process.

12. Plaintiff has sought concurrence from the defendant's counsel of record as evidenced by the attached letter, in the accompanying Exhibit"A".

13. To date, Plaintiff has received no indication, neither verbally, nor in writing, that the defendants have any objection to the requested extension.

14. The Plaintiff is also struggling to be in compliance with this court's other order for the Plaintiff to respond to the Report and Recommendation, with his Objections thereto to be filed on the 27th of this month, and would be extremely limited to timely filing.

15. Plaintiff submits that the Granting of this motion would not prejudice the defendants.

WHEREFORE, For each of the foregoing reasons, Plaintiff, Cassius M. Clay Sr., Pro se, Respectfully Requests this Honorable Court to Grant the Relief Requested herein, and any other further relief that this Honorable Court deems just and proper.

RESPECTFULLY SUBMITTED;

A handwritten signature in cursive script, reading "Cassius M. Clay Sr.", is written over a horizontal line.

CASSIUS M. CLAY SR., DQ5954

P.O. BOX 99991

Pittsburgh, PA 15233

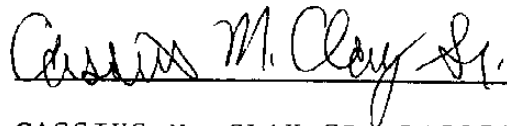
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY, SR., : Civil Action No. 05-125-E
Plaintiff, : Judge Sean J. McLaughlin
V. : Mag. Judge Susan P. Baxter
:
TRACY REEVES, et al., :
Defendants, :

STATEMENT OF VERIFICATION

I, CASSIUS M. CLAY SR., Verify that the foregoing is True and Correct, to the best of my Knowledge, Information, and Ability. I Understand that False Statements made herein are subject to the Penalties of 28 U.S.C. Section 1746, Relating to Unsworn Falsification to Authorities.

Dated; September 13, 2007.



CASSIUS M. CLAY SR. DQ5954

P.O. BOX 99991

Pittsburgh, PA 15233

Exhibit-“A”



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI-Pittsburgh
August 17, 2007

B3A
1013

SUBJECT: Request to keep additional Legal Property

TO: Cassius Clay
DQ-5954
B3-A-1013

Carol A. Scire

FROM: Carol A. Scire
Superintendent's Assistant II
Facility Litigation Coordinator

This correspondence is in reference to your request to exceed the four boxes of property limit, before your request can be taken into consideration; I need you to send me the following information for each case, in this sequence.

- CASE NAME
- CASE NUMBER
- COURT NAME

Please use understandable, legible handwriting & black ink to list your cases. Once I receive your information, I will send it to the Department of Corrections Office of Chief Counsel for verification. They will determine which cases are open & pending. You then will be notified of the facilities decision whether you are permitted an exemption to the Department's four boxes of property limit.

cc: Dave McCoy – Unit Manager
DC-15
File

Form DC-135A

Commonwealth of Pennsylvania
Department of Corrections

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete items number 1-8. To be followed in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and Title of Officer)

CAROL A. Scire (Deputy Warden)

2. Date:

8-15-07

3. By: (Print Inmate Name and Number)

CASSIUS M. CLAY DQ5954

4. Counselor's Name:

5. Unit Manager's Name

MR. McCloy

6. Work Assignment:

7. Housing Assignment:

B3 A1013

8. Subject: State your request completely but briefly. Give details.

I AM Submitting AGAIN A Current Listing OF ALL my Active Cases, To HAVE 3 Extra Boxes OF Legal Material in my cell.

CASE NAME

CASE Number

COURT NAME

1. CASSIUS CLAY V. RAYMOND SOB. NA, Superintendent, et al; 07-2302; 3rd Circuit Court of Appeals
2. CLAY V. REEVES et al; 05-125E; U.S. District Court Erie ✓
3. CASSIUS CLAY SR, V. RAYMOND SOB. NA; 06-1255; U.S. District Court Pgh. ✓
4. CASSIUS M. CLAY SR. V. RAYMOND SOB. NA et al; 325 M.D. 2007; Commonwealth Ct of PA
5. IN RE CRYSTAL CLAY; Docket No. 588-06 History No. 77053-A; Court of Common Pleas - Juvenile Section

1. Closed

2. Open

3. Open

4. Open

5. What County was this filed in?

To DC-14 CAR only ☐To DC-14 CAR and DC-15 IRS ☐

STAFF MEMBER NAME

Print

Signature

DATE 8-20-07

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) MRS. CAROL SEIRE	2. Date: August 28, 2007
3. By: (Print Inmate Name and Number) CASSUS M. CLAY 005454 Cassus M. Clay Inmate Signature	4. Counselor's Name 5. Unit Manager's Name MR. MCCOY
6. Work Assignment	7. Housing Assignment B3 A1013
8. Subject: State your request completely but briefly. Give details. <p>I received your response to have my cases taken into consideration to have my three boxes (which are sitting in the holding storage) in my cell to do my legal work, in which I have two civil vs. (I really need that legal material to do research) you have #1 CLAY V. SOBINA, et al. 07-2302, Third Circuit Court of Appeals as closed. I just received an extension of time to file my petition for rehearing and ask that you check again (I also have the Judge's order + civil showyou).</p> <p>My Daughter's Juvenile Action started in Allegheny County and is now in McKeesport Juvenile Court.</p> <p>I also have a new action in the Third Circuit Court of Appeals under CLAY V. SOBINA NO. 07-3469 for my COA, which I also previously started at Forest, and is included in one of those boxes.</p> <p>THANK YOU</p>	
9. Response: (This Section for Staff Response Only)	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print Sign

CASSIUS M. CLAY SR.
#DQ5954
S.C.I. PITTSBURGH
P.O. BOX 99991
Pittsburgh, PA 15233

September 6, 2007

MARY L. FREIDLINE
Senior Deputy Attorney General
Office of The Attorney General
5th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219

IN RE: CLAY v. REEVES, et al. No. 05-125E .

Dear Mrs. Freidline;

I anticipate I will be filing an appropriate motion for a Sixty (60) day Extension of the Discovery period. I also anticipate filing a Motion in opposition to the Supplemental Motion(s) (Doc.86, 88, and 92), as I did not get a chance to respond, as I have been transferred to S.C.I. Pittsburgh, on August 2, 2007, and there is no law-library, no federal forms books, nor any federal Rules of court, (except on the one law-computer, which has no printer, and not all of the federal Volumes included, where we are only allowed one hour a night for over 600 inmates and if you could get on) I have been here for a month and I still have not gotten my legal material(s) for this case. Should you have any objection to such motions please inform me in writing within (10) days. In the event I receive no response from you in this regard I will assume that you have no objection and will inform the court of the same. Thank You.

Very Truly Yours,
Cassius M. Clay Sr.
Cassius M. Clay Sr.

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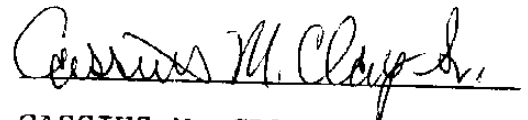
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:
TRACY REEVES, et al., :
Defendants, :

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a True and Correct Copy of this Foregoing instrument, has been Mailed, Postage Prepaid, on this 13th day of SEPTEMBER, 2007, to The Office of the Clerk; UNITED STATES DISTRICT COURT, Western District of Pennsylvania; P.O. Box 1820; Erie, PA 16507, by Depositing the same in the Mail Box at S.C.I. Pittsburgh.

The aforesaid was done Under the Penalty of Perjury (28 U.S.C.A. Section 1746).

Dated: September 13, 2007.


CASSIUS M. CLAY SR. DQ5954
P.O. BOX 99991
Pittsburgh, PA 15233

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TRACY REEVES, et al., :
Defendants,:

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a True and Correct Copy of this Foregoing instrument, has been Mailed, Postage Prepaid, on this 13th day of SEPTEMBER, 2007, to MARY LYNCH FRIEDLINE, Senior Deputy Attorney General, Office of the Attorney General, 5th Floor, Manor Complex, 564 Forbes Avenue, Pittsburgh, PA 15219, by Depositing the same in the Mail Box at S.C.I. Pittsburgh.

The aforesaid was done Under the Penalty of Perjury (28 U.S.C.A. Section 1746).

Dated: September 13, 2007.


CASSIUS M. CLAY SR. DQ5954
P.O. BOX 99991
Pittsburgh, PA 15233